

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-424V

Filed: October 1, 2014

(Not to be published)

WILLIAM J. VOGLER

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES

Respondent.

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Decision by Stipulation; Attorneys'
Fees & Costs

Firooz T. Namei, McKinney & Namei Company, L.P.A., Cincinnati, OH, for Petitioner.

Lynn E. Ricciardella, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On June 27, 2011, Mr. Vogler filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On April 25, 2014, I dismissed Petitioner's claim in a Decision on Entitlement.

On October 1, 2014, respondent filed a stipulation of attorneys' fees and costs. Petitioner

¹ Because this decision contains a reasoned explanation for my action in this case, I will post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the posted decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. (*Id.*)

seeks fees for his counsel, in the amount of \$20,000.00, in the form of a check payable jointly to Petitioner and his attorney, Firooz T. Namei. Additionally, Petitioner had filed a statement of costs in compliance with General Order No. 9, stating that he did not incur any additional costs while pursuing this claim. This amount represents a sum to which Respondent does not object.

I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check for \$ 20,000.00 payable jointly to Petitioner and Petitioner's counsel, Firooz T. Namei. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by both (either separately or jointly) filing a notice renouncing their right to seek review.